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IT IS SO ORDERED.

Dated: October 14, 2021




Guy R. Humphrey
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
DAYTON DIVISION**

In Re:

Case No. 18-31243

Lisa M. Angell

Chapter 13

Debtor(s).

Judge Guy R. Humphrey

**AMENDED AGREED ORDER RESOLVING MOTION FOR RELIEF FROM THE
AUTOMATIC STAY (PROPERTY ADDRESS: 941 PINE NEEDLES DRIVE, DAYTON,
OH 45458) (Doc. 35)**

This matter having come on before the Court upon the Motion for Relief from the Automatic Stay (the “Motion”) filed on March 25, 2019 (Doc. No. 26) by Wells Fargo Bank, N.A. regarding the property located at 941 PINE NEEDLES DRIVE, DAYTON, OH 45458; and it appearing to the Court that the parties have agreed to a course of action which will resolve the matter, the terms of which are set forth as follows:

The Debtor has fallen short on their payments to the Trustee per the Agreed Order Resolving Motion for Relief from the Automatic Stay entered on June 13, 2019 (Doc. 35). Per that Agreed Order, beginning in July of 2019, the Debtor was to pay the Trustee \$1,400.00 per month. However, the Debtor then entered into a subsequent Agreed Order (Doc. 54) with the

Trustee, and beginning in July of 2020, the Debtor was to begin payments of \$1,550.00 per month to the Trustee. On September 24, 2019, the subject mortgage loan was service transferred to SN Servicing Corporation (“Creditor”).

Through August 2021, the Debtor should have paid a total of \$38,500.00 to the Trustee. The Debtor has fallen short, and only paid \$37,359.00 to the Trustee. The total amount to cure the default is \$1,141.00.

In breach of the terms of said Plan, the Debtor failed to make certain of the regular monthly plan payments to the Trustee. However, if the Debtor continues to pay the \$1,550.00 amount per month through the end of the Plan, then the \$1,140.00 post-petition arrearage amount will be cured by the end of the Plan.

IT IS THEREFORE, ORDERED:

1. Failure of Debtor to make any future plan payment to the Trustee due under the plan or any future modified plan, on or before the last day of the month in which it is due, shall constitute a default.

2. The parties hereby agree that upon the existence of a default, Creditor counsel shall send Debtor and Counsel for Debtor a 21-day notice of Creditor’s intent to file an affidavit and proposed order granting relief from stay.

3. The parties hereby agree that if the default is not cured within that 21-day period, then upon the filing of an affidavit of default or declaration by Creditor attesting to the default by the debtor, an Order shall be entered without further hearing, terminating the stay imposed by

Section 362 (a) of the Bankruptcy code, with respect to Creditor, its successors and assigns.

4. Creditor shall be permitted to file a supplemental proof of claim in the amount of \$550.00 for its attorney fees incurred in resolving this matter.

SO ORDERED.

Submitted by:

/s/ Jon J. Lieberman

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Chapter 13 Trustee

COPIES TO:

Default List

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